Immunocept, LLC, et al v. Fulbright & Jaworski Doc. 8

FILED

MAR 2 2 2006

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY ______
DEPUTY CLERK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IMMUNOCEPT, LLC, PATRICE ANNE LEE, AND JAMES REESE MATSON,	§	
	§	
Plaintiffs,	§	
	§	**CAUSE NO. A 05 CA 334 SS**
vs.	§	
	§	
FULBRIGHT & JAWORSKI, LLP,	§	
	§	
Fulbright.	§	

UNOPPOSED MOTION TO FILE UNDER SEAL PLAINTIFFS' RESPONSE TO FULBRIGHT'S MOTION TO EXCLUDE THE TESTIMONY OF RINALDO BELLOMO

COMES NOW, Fulbright & Jaworski, LLP ("Fulbright"), and files this Unopposed Motion to File Under Seal Plaintiffs' Response to Fulbright's Motion to Exclude the Testimony of Rinaldo Bellomo and the Appendix thereto, and in support thereof, would respectfully show the Court as follows:

On this date Plaintiffs are filing their Response to Fulbright's Motion to Exclude the Testimony of Rinaldo Bellomo ("Response"). Plaintiffs are also filing the Appendix to Plaintiffs' Response to Fulbright's Motion to Exclude the Testimony of Rinaldo Bellomo ("Appendix"). The Response and Appendix are being filed with the Court under seal pursuant to the Agreed Protective Order entered by this Court on October 24, 2005, which

87

Dockets.Justia.com

requires the parties to file under seal documents produced in discovery and designated by the Producing Party as "Confidential." *See* Agreed Protective Order ¶ 7.

Certain of the documents and deposition excerpts included in the Appendix to the Response have been designated as "Confidential" either by the Plaintiffs, Plaintiffs' experts, or by third-party Johnson & Johnson. Similarly, the Response includes references to and quotations from material designated as "Confidential."

In view of the foregoing, Plaintiffs request that the Court order that the Response and Appendix be filed under seal.

Respectfully submitted,

Michael P. Lynn, P.C.
State Bar No. 12738500
Jeffrey M. Tillotson, P.C.
State Bar No. 20039200
John Volney
State Bar No. 24003118
Jeremy A. Fielding
State Bar No. 24040895
LYNN TILLOTSON & PINKER, LLP
750 N. St. Paul Street, Suite 1400
Dallas, Texas 75201
(214) 981-3800 Telephone
(214) 981-3839 Facsimile

ATTORNEYS FOR PLAINTIFFS
IMMUNOCEPT, LLC
PATRICE ANN LEE
JAMES REESE MATSON

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served *via facsimile* on this the 20th day of March, 2006:

David J. Beck, Esq.
Geoff Gannaway, Esq.
BECK, REDDEN & SECREST, L.L.P.
One Houston Center
1221 McKinney Street, Suite 4500
Houston, Texas 77010
(713) 951-3700 Telephone
(713) 951-3720 Facsimile

Attorneys for Fulbright & Jaworski, LLP

Jeremy A. Fielding